

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JAVON MARSHALL, et al.,

Plaintiffs,

v.

ESPN INC., et al.,

Defendants.

Civil Action No. 3:14-cv-01945

Chief District Judge Kevin H. Sharp

**TELESOUTH COMMUNICATIONS, INC.'S RULE 12(b)(2) MOTION
TO DISMISS FOR LACK OF PERSONAL JURISDICTION**

TeleSouth Communications, Inc. ("TeleSouth") respectfully moves, pursuant to Federal Rule of Civil Procedure 12(b)(2), to dismiss the Complaint against it because it is not subject to personal jurisdiction in Tennessee. This Motion is in addition to TeleSouth's joinder in the Rule 12(b)(6) Motion to Dismiss and supporting Memorandum filed by the Licensing Defendants, of which Telesouth is one. As grounds for this separate Motion, TeleSouth states:

1. TeleSouth does not have the requisite contacts with Tennessee to permit a court in Tennessee to exercise jurisdiction over it.

2. All claims against TeleSouth should be dismissed for lack of personal jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2).

3. In support of this Motion, TeleSouth relies upon its separately filed Memorandum of Law in Support of its Motion to Dismiss for Lack of Personal Jurisdiction and the Affidavit of TeleSouth's President and Chief Operating Officer, Kim Dillon, attached as Exhibit "A."

WHEREFORE, PREMISES CONSIDERED, TeleSouth moves the Court to dismiss the Complaint against it with prejudice for lack of personal jurisdiction and to tax all costs against Plaintiffs.

This, the 10th day of December, 2014.

Respectfully submitted,

/s/ W. Scott Welch, III

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC**

Walker W. Jones, III

wjones@bakerdonelson.com

W. Scott Welch, III

swelch@bakerdonelson.com

Samuel D. Gregory

sdgregory@bakerdonelson.com

P O Box 14167

Jackson, MS 39236-4167

Tel: (601) 351-2400

Fax: (601) 351-2424

John S. Hicks

jhicks@bakerdonelson.com

211 Commerce Street

Suite 800

Nashville, TN 37201

Tel: (615) 726-5600

Attorneys for TeleSouth Communications, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rules 5.01 and 5.03(b)(1). As such, this document was served on all counsel who have consented to electronic service on December 10, 2014.

/s/ W. Scott Welch, III

W. Scott Welch, III, PHV